

34. The emulsion of Claim 20, wherein the copolymer has a viscosity of less than 5Pa.s.

35. The emulsion of Claim 20, wherein the copolymer has a viscosity of less than 3Pa.s.

36. The emulsion of Claim 20, wherein the copolymer is an acrylate/C₁₀-C₃₀-alkylacrylate copolymer.

37. The emulsion of Claim 20, wherein the copolymer is present in an amount ranging from 0.1 to 2% by weight relative to the total weight of the emulsion.

38. The emulsion of Claim 20, wherein the oily phase of the emulsion represents from 20 to 30% by weight relative to the total weight of the emulsion.--

SUPPORT FOR NEW CLAIMS

Claims 14-38 have been added. Claim 11 has been deleted. Minor non-limiting amendments have been made to original claims 1-10 and 12-13. Claims 1-19 correspond to claims 20-38, except that are directed to emulsions which are "free of surfactant." Thus, support for claims 20-32 exists, *inter alia*, in original claims 1-13. Support for claims 14 and 33 exists, *inter alia*, at page 3, lines 8-12; support for claims 15-17 and 34-36 exists, *inter alia*, at page 5, lines 14-22; support for claims 18 and 37 exists, *inter alia*, at page 5, line 26; and support for claim 19 and 38 exists, *inter alia*, at page 7, lines 2-3. Thus, currently pending are claims 1-10 and 12-38.

REMARKS

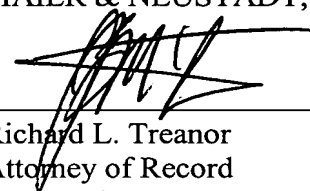
In response to the Restriction Requirement set forth in the Office Action mailed October 10, 2001, Applicants elect to prosecute the claims corresponding to Invention (I)

(claims drawn to an emulsion). Currently pending claims directed to emulsions are claims 1-9, 14-28 and 33-38. Applicants make this election with traverse, particularly in view of the fact that joinder of use or method claims is proper when the underlying composition claim is patentable. Accordingly, upon receiving an indication that claims directed to emulsions are allowable, Applicants request rejoinder of appropriate method and/or use claims at that time to the extent such claims have not also been allowed. *See*, MPEP 821.04.

Applicants respectfully submit that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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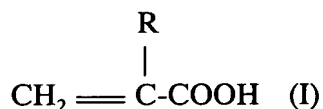
Amendment and Response to
Requirement for Restriction Filed on:
November 5, 2001

IN THE CLAIMS

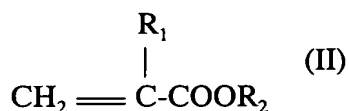
1. (Amended) ~~An~~ [E]mulsion comprising an oily phase dispersed in an aqueous phase, characterized in that the globules of the oily phase have an average size of less than 20 microns, in that the oily phase constitutes at least 15% by weight relative to the total weight of the emulsion and in that the aqueous phase contains at least one copolymer consisting of a major fraction of monoolefinically unsaturated C₃-C₆ carboxylic acid monomer or its anhydride and a minor fraction of acrylic acid fatty-chain ester monomer, and in that it is free of surfactant.

2. (Amended) ~~The~~ [E]mulsion according to Claim 1, characterized in that the amount of carboxylic acid monomer or of its anhydride in the copolymer ranges from 80 to 98% by weight and in that the amount of ester monomer ranges from 20 to 2% by weight, the percentages by weight being expressed relative to the total weight of the two monomers.

3. (Amended) ~~The~~ [E]mulsion according to Claim 1, characterized in that the carboxylic acid monomer is a compound of formula (I):



in which R denotes hydrogen, a halogen, a hydroxyl group, a lactone group, a lactam group, a cyanogen group, a monovalent alkyl group, an aryl group, an alkylaryl group, an aralkyl group or a cycloaliphatic group, and in that the ester monomer is a compound of formula (II):



in which R₁ is chosen from the group formed from hydrogen, a methyl radical and an ethyl radical, and R₂ is a C₈-C₃₀ alkyl group.

4. (Amended) The [E]emulsion according to Claim 3, characterized in that the carboxylic acid monomer is chosen from acrylic acid, methacrylic acid and mixtures thereof, and in that the ester monomer is chosen from monomers of formula (II) in which R₁ is hydrogen or a methyl radical and R₂ is a C₁₀-C₂₂ alkyl group.

5. (Amended) The [E]emulsion according to Claim 1, characterized in that the copolymer is present in an amount ranging from 0.1 to 4% by weight [and preferably from 0.1 to 2% by weight] relative to the total weight of the emulsion.

6. (Amended) The [E]emulsion according to Claim 1, characterized in that the average size of the globules in the oily phase ranges from 0.5 to 15 microns.

7. (Amended) The [E]emulsion according to Claim 1, characterized in that the oily phase of the emulsion represents from 15 to 45% by weight [and preferably from 20 to 30% by weight] relative to the total weight of the emulsion.

8. (Amended) The [E]emulsion according to Claim 1, characterized in that it constitutes a cosmetic and/or dermatological composition.

9. (Amended) ~~The~~ [E]emulsion according to Claim 1, characterized in that it contains at least one additive chosen from hydrophilic active agents, lipophilic active agents, preserving agents, antioxidants, fragrances, solvents, fillers, sunscreens, pigments, dyestuffs, basic agents, acidic agents, lipid vesicles and gelling agents.

10. (Amended) A method [Cosmetic use of the emulsion according to Claim 1,] for treating, protecting, caring for and/or cleansing the skin, mucous membranes and/or the hair, and/or for making up the skin and/or mucous membranes, comprising applying the emulsion of Claim 1 to the skin.

12. (Amended) A [P]process for manufacturing ~~the~~ [an] emulsion as defined in Claim 1, which comprises [consists in] introducing, under pressure, the oily phase into the aqueous phase containing the copolymer, through a hydrophilic porous glass membrane with an average pore size ranging from 0.1 to 5 μm [and preferably from 0.3 to 3 μm], at a pressure greater than the critical pressure.

13. (Amended) ~~The~~ [Manufacturing] process according to Claim 12, wherein [characterized in that] the pressure ranges from 30 to 350 kPa.

Claim 11 (Deleted)

Claims 14-38 (New)